



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

AUG 22 2012

Mr. Brandon Kapple
Logistics Specialist
Hilti North America
5400 South 122nd East Avenue
Tulsa, OK 74146

Reference No. 12-0100

Dear Mr. Kapple:

This is in response to your April 19, 2012 e-mail to the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) Hazardous Materials Information Center asking if you may offer for transport "UN 0323, Cartridges, power device, 1.4S (explosive), PG II" as a limited quantity by United Parcel Service aircraft under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state this product has been issued a Competent Authority approval with notations stating it successfully passed the United Nations (UN) Manual of Tests and Criteria Test Series 6(d) test (5th edition). Your letter was forwarded to the PHMSA's Standards and Rulemaking Division for a reply.

The answer is yes. PHMSA revised the limited quantity provisions for Division 1.4S explosives in two final rules issued under Docket No. PHMSA-2009-0126 (HM-215K) on January 19, 2011 [76 FR 3308], and December 30, 2011 [76 FR 82163] to harmonize them with international requirements. The following requirements and schedules apply to the cartridge power device you describe in your e-mail:

<u>Provision</u>	<u>Effective Date</u>
To be transported by aircraft, must successfully pass the UN Test Series 6(d) reclassification tests as a limited quantity material (see § 173.63(b)(1)(i)).	After 07/01/11
To be transported by motor vehicle, railcar, or vessel, must successfully pass the UN Test Series 6(d) reclassification tests as a limited quantity material (see § 173.63(b)(1)(i)).	After 01/01/12
May be reclassified as "ORM-D-AIR," packaged as authorized under the HMR on October 1, 2010, and marked with the proper shipping name "Cartridges, power device (<i>used to</i>	Until 12/31/12

project fastening devices)” if the package successfully passes the UN Test Series 6(d) reclassification tests for an ORM-D-Air material effective 7/1/11 (see §§ 173.63(b)(1)(ii)).

If the articles are properly packaged as authorized under the HMR on October 1, 2010, and are included on the list of materials that may be shipped as an ORM-D under § 173.63(b)(1)(iii), the package may be marked with the proper shipping name “Cartridges, power device (*used to project fastening devices*)” and reclassified as an “ORM-D” material (see § 173.63(b)(1)(ii) and (b)(1)(iii)).

Until 12/31/13

In addition, packages of limited quantity Division 1.4S cartridge power devices transported by aircraft or vessel, or that meet the definition of a hazardous substance, hazardous waste, or marine pollutant are subject to the shipping paper requirements of 49 CFR Part 172, Subpart C (see § 173.63(b)(1)(i)). Further, these packages must 1) be marked with the proper shipping name and identification number of the hazardous material contained in the package (see § 173.315(a)); 2) conform to the general packaging requirements for transporting hazardous materials by aircraft prescribed in § 173.27, as well as the maximum net quantity of hazardous material permitted per inner package for a limited quantity transported by aircraft under Table 3 of § 173.27(f); 3) conform to the limited quantity requirements prescribed for cartridge power devices prescribed in § 173.63(b)(2); and 4) be marked with the limited quantity square-on-point marking with the symbol “Y” in the center as prescribed in § 173.315(b). The HMR exempts limited quantity Division 1.4S explosives packages from both labeling and placarding prescribed in 49 CFR Part 172, Subpart E and Subpart F, respectively (see § 173.63(b)(1)(i)). Please note, in the Docket No. HM-215K final rule, PHMSA revised the HMR’s list of prohibited hazardous materials and articles in Table 3 under § 173.27(f) to clarify that Class 1 (explosive) materials that conform to the applicable provisions prescribed in § 173.63(b) are authorized for transportation by aircraft.

I hope this satisfies your request.

Sincerely,



T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Edmonson
2173.63
3173-27

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, April 19, 2012 5:12 PM
To: Drakeford, Carolyn (PHMSA)
Subject: UN0323 as Limited 173.63 question-AIR- FWD as Interp Request

Packaging Exceptions
12-0100

Hi Carolyn,

Mr. Kapple requested this e-mail be forwarded as formal letter of interpretation during his 4/19 phone call with Mike Stevens.

Thanks,
Victoria

From: Kapple, Brandon [<mailto:Brandon.Kapple@hilti.com>]
Sent: Thursday, April 19, 2012 10:47 AM
To: INFOCNTR (PHMSA)
Subject: UN0323 as Limited 173.63 question-AIR

Completed by AE via phone on 4/19/12 at 1:33

Hello:

I have a product classified as UN0323 1.4S Cartridges, Power device PG II. It has a Competent Authority approval with passing notations for the new 6(D) test. In reading 173.63(B)"For transportation by aircraft, the package must conform to applicable requirement of 173.27 of this part and, effective July 1, 2011, Cartridge, power devices must be successfully tested under the UN Test Series 6(D) criteria for reclassification as limited quantity material.

My question is can I tender this material as Limited Quantity to a parcel AIR transportation carrier? Package would consist of 1.4s label + "Y" limited quantity label+ Appropriate limited quantity shipper's declaration?

Regards,

Brandon Kapple

Logistics Specialist

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